IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R. No. 2144 of 2007

DATE OF DECISION : 24.04.2007

Manjit Singh

.... PETITIONER

Versus

Gurcharan Singh and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Rangi, Advocate,
for the petitioner.

Plaintiff Manjit Singh has filed this petition under Article 227 of the Constitution of India for setting aside the order dated 30.11.2006, passed by Civil Judge (Junior Division), Ludhiana, whereby the application filed by the petitioner for impleading Bachan Singh as defendant in the suit has been dismissed.

I have heard counsel for the petitioner and gone through the impugned order.

Initially, the suit was filed by the plaintiff for specific performance against Gurcharan Singh and Bachan Singh. At one stage, the suit was dismissed in default. Subsequently, on an application filed by the plaintiff, the suit was restored qua Gurcharan Singh-defendant No.1 and the same was dismissed qua Bachan Singh-defendant No.2, as process fee for his service was not filed by the plaintiff. The said order was passed on 20.7.2001, which was, undisputedly, not challenged by the plaintiff. After more than 5 years, the instant application was filed. The trial court has dismissed the application, keeping in view the fact that the order dated 20.7.2001, dismissing the suit against Bachan Singh has become final. I do not find any illegality or perversity in the impugned order.

Dismissed.

April 24, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**